

CITY OF CRAIGMONT

109 E. MAIN ST.
P.O. BOX 250
CRAIGMONT, IDAHO 83523

Phone 208-924-5432
Fax 208-924-6801

RECEIVED

JUN 22 2006

DEPARTMENT OF
WATER RESOURCES

June 19, 2006

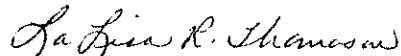
Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

Dear Clerk of the District Court,

The City of Craigmont respectfully submit the enclosed documents: a Notice of Claim to a Water Right and Standard Form 4, Notice to File: Late Notice of Claim.

Also enclosed is a check for \$55.00 for the filing fee.

Sincerely,



LaLisa R. Thomason,
City Clerk/Treas.
Craigmont, ID 83523

Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase <u>85-15681</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____ CITY OF CRAIGMONT, IDAHO

My name is _____ ROBERT C. STROM

My address is _____ 120 W. MAIN STREET, CRAIGMONT, IDAHO 83523

_____ P.O. BOX 10, CRAIGMONT, IDAHO 83523

My phone number is _____ 208-924-5567

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

the City Cemetery was recently transfered to the City of Craigmont
by the I.O.O.F. Lodge, located at Craigmont. The I.O.O.F. Lodge did
not file for water rights. The I.O.O.F. Lodge no longer exists.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

the City acquired the Cemetery from the Odd Fellows Lodge (I.O.O.F.)
in 1995. It has operated and cared for the Cemetery since that time,
during which it has used the existing well for irrigation purposes.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 55.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, Sept. 19, 2006 at 1:30 p.m.
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

N/A

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

N/A

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

N/A

VERIFICATION (Must be completed)

State of Idaho

County of Lewis

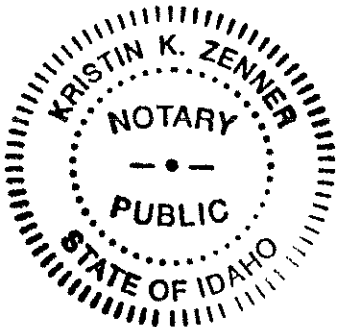
ROBERT C. STROM, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Robert C. Strom
Attorney signing in representative capacity

Subscribed and sworn to before me on June 14, 2006.
(Insert Date)



Kristin K. Zenner
Notary Public for State of Idaho
Residing at: Craigmont, Idaho
My Commission expires: 10-1-2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 19, ~~199~~ 2006 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Lia R. Thomas, City Clerk
Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) City of Craigmont Phone (208) 924-5432Mailing Address P.O. Box 250, Craigmont, ID Zip 835232. Date of Priority (Only one (1) per claim) June 19463. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lewis
See Attached DescriptionAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

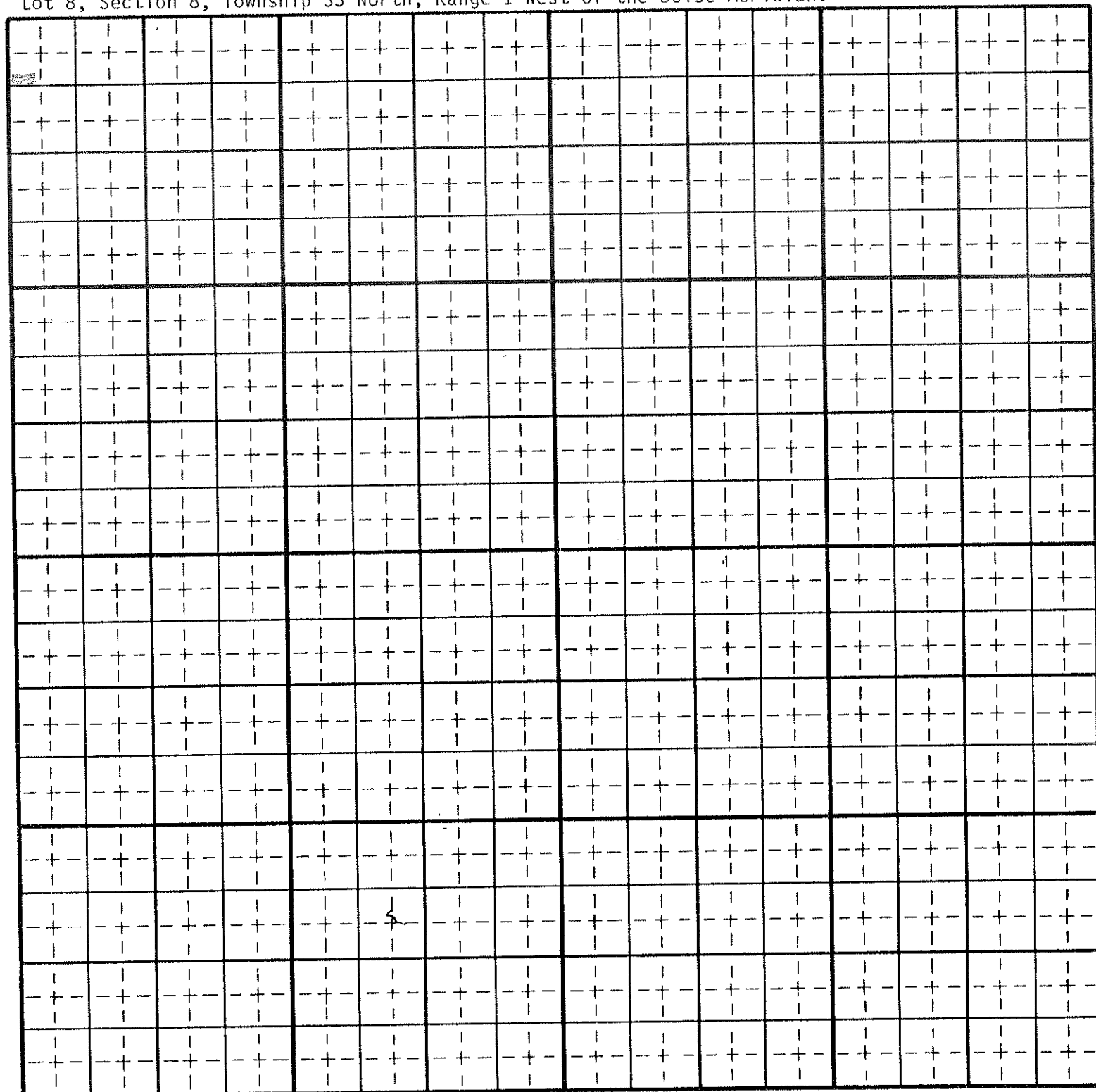
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well was drilled in 1946 and pump installed.Depth: 100 ft. Static: 46 ft. GPM: 20

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Lot 8, Section 8, Township 33 North, Range 1 West of the Boise Meridian.



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Cemetery irrigation purposes from June 1st to Oct. 15th amount 2.28 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 2.28 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
33N	1WBM	8					I												

Total number of acres irrigated 4.57 Acres

11. In which county (ies) are lands listed above as place of use located? Lewis County

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
or None (☒)

14. Remarks: Water is used for Cemetery irrigation only.

See attached Warranty Deed between The Craigmont Lodge #76 I.O.O.F.

and the City of Craigmont.

Last Name City of Craigmont Ident No. 85-15681

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 85-15681
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Mayor

Title

of _____ City of Craigmont, Idaho _____, that I have signed the foregoing
Organization

document in the space below as _____ Mayor _____ of _____ City of Craigmont, Idaho
Title Organization

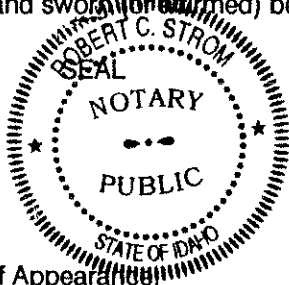
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Mayor of the City of Craigmont _____ Date June 13, 2006

State of Idaho/or State of Idaho)
County of Lewis) SS.

Subscribed and sworn (or affirmed) before me this 13th day of June 19 2006



Notary Public _____

Residing at Craigmont, Idaho

My Commission Expires 10-17-2006

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, Robert C. Strom will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Robert C. Strom

Address P.O. Box 10, Craigmont, ID 83523

Date 6-13-2006

Last Name City of Craigmont Ident. Number 85-15681

Copies White-State, Yellow-Claimant

CRAIGMONT CEMETERY WELL:

A portion of Lot 8, Section 8, Township 33 North, Range 1 West of the Boise Meridian,
described as follows:

Township 33 North, Range 1 West B.M.

Section 8: Beginning at the Southwest corner of the Northwest Quarter of
the Northwest Quarter thence, East 320 feet thence, North 295 feet thence, West 320 feet
thence, South 295 feet to the point of beginning, and

beginning at the Southwest corner of the Northwest Quarter of the
Northwest Quarter thence East 320 feet to the point of beginning thence, East 148 feet
thence, North 443 feet thence, West 443 feet thence, South 148 feet thence, East 295 feet
thence, South 295 feet to the point of beginning.

This description includes, approximately 11,075 sq. ft. of county road.

WARRANTY DEED

THOMAS W. HUTCHINSON, HAROLD G. LIEDKIE AND DONALD JOHNSTON, TRUSTEES OF THE CRAIGMONT LODGE # 76 I.O.O.F, successors in interest to the Chicago Lodge #76 I.O.O.F and successors in interest to the Ilo Lodge #76 I.O.O.F, as GRANTORS herein, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto CITY OF CRAIGMONT, of P.O. BOX 250, Craigmont, Id. 83523 GRANTEE, and to grantee's assigns forever, all of the following described real estate located in the County of LEWIS, State of Idaho, TO WIT:

Township 33 North, Range 1 West B.M.

Section 8: Beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter thence, East 320 feet thence, North 295 feet thence, West 320 feet thence, South 295 feet to the point of beginning, and

beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter thence East 320 to the point of beginning thence, East 148 feet thence, North 443 feet thence, West 443 feet thence, South 148 feet thence, East 295 feet thence, South 295 feet to the point of beginning.

TOGETHER with all improvements, water rights, ditches, easements, hereditaments and appurtenances thereto.

SUBJECT TO: Easements apparent on the premises or of record and subject to the rights and interests of those having previously purchased cemetery lots on the above premises and subject to the requirement that the same shall be used exclusively for cemetery purposes.

GRANTORS, do hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by the GRANTEE and grantee's assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, GRANTORS have signed their names this 29th day of November 1995.

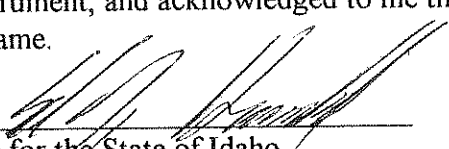

THOMAS W. HUTCHINSON


HAROLD G. LIEDKIE


DONALD JOHNSTON

State of Idaho
County of Lewis ss.

On this 24 day of November 1995, before me, a notary public in and for the state of Idaho, personally appeared THOMAS W. HUTCHINSON, known or identified to me to be one of the TRUSTEES of the Craigmont Lodge #76 I.O.O.F. the entity that executed the instrument, and acknowledged to me that such Craigmont Lodge #76 I.O.O.F executed the same.



Notary Public for the State of Idaho

Residing at

My Commission expires:

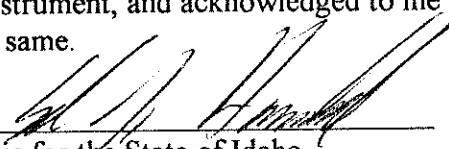
Craigmont

8-26-97

NOTARY SEAL

State of Idaho
County of Lewis ss.

On this 24 day of November 1995, before me, a notary public in and for the state of Idaho, personally appeared HAROLD G. LIEDKIE, known or identified to me to be one of the TRUSTEES of the Craigmont Lodge #76 I.O.O.F. the entity that executed the instrument, and acknowledged to me that such Craigmont Lodge #76 I.O.O.F executed the same.



Notary Public for the State of Idaho

Residing at

My Commission expires:

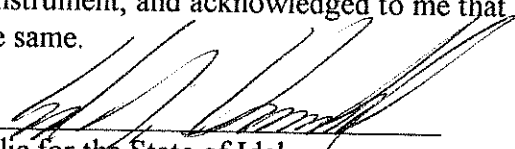
Craigmont

8-26-97

NOTARY SEAL

State of Idaho
County of Lewis ss.

On this 27 day of November 1995, before me, a notary public in and for the state of Idaho, personally appeared DONALD JOHNSTON, known or identified to me to be one of the TRUSTEES of the Craigmont Lodge #76 I.O.O.F. the entity that executed the instrument, and acknowledged to me that such Craigmont Lodge #76 I.O.O.F. executed the same.



Notary Public for the State of Idaho

Residing at Craigmont

My Commission expires: 8-27-97

NOTARY SEAL